

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

CARLOS MANUEL AYESTAS,	§	
Petitioner,	§	
	§	
v.	§	Civil Action No. 4:09-CV-2999
	§	
BOBBY LUMPKIN, Director,	§	(Death Penalty Case)
Texas Department of Criminal	§	
Justice, Correctional Institutions	§	
Division,	§	
Respondent.	§	

**RESPONDENT'S UNOPPOSED MOTION TO AMEND
THE SCHEDULING ORDER**

This Court entered a scheduling order on November 15, 2021, governing the parties' deadlines related to Ayestas's amended federal petition. ECF No. 110. Under that scheduling order, the Director's answer was due February 14, 2022, but the Court granted the Director's request for an extension of time to file the answer on or before March 16, 2022. ECF No. 112. The remaining deadlines in the Court's scheduling order, however, have thus far remained unaltered. In the interest of fairness to both parties, the Director now respectfully moves to amend the scheduling order so that all remaining deadlines also receive a corresponding extension of thirty days. Specifically, the Director requests that the Court amend the scheduling order as follows:

- The Director's answer will be due March 16, 2022.

- Ayestas's reply to the Director's answer shall be filed on or before May 16, 2022.
- The parties shall file motions for discovery under Rule 6 of the Rules Governing § 2254 Cases (Rule 6 motions) on or before June 13, 2022.
- Responses to Rule 6 motions shall be filed on or before July 13, 2022.
- Replies to responses to Rule 6 motions shall be filed on or before August 3, 2022.

Respectfully submitted,

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s/ Gwendolyn S. Vindell
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ATTORNEYS FOR RESPONDENT

CERTIFICATE OF CONFERENCE

I, Gwendolyn S. Vindell, Assistant Attorney General of Texas, do hereby certify that opposing counsel, Anwar L. Graves, confirmed by email on February 11, 2022, that he is unopposed to this motion.

s/ Gwendolyn S. Vindell
GWENDOLYN S. VINDELL
Assistant Attorney General

CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing pleading was served by placing same in the United States Mail, postage prepaid, on this the 11th day of February, 2022, addressed to:

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